

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DARRYL ORRIN BAKER,
Plaintiff,
v.
UNITED STATES OF AMERICA,
Defendant

Case No. 1:05-cv-00147-SJM-SPB
JURY TRIAL DEMANDED

MOTION TO RE-OPEN DISCOVERY

AND NOW, comes the Plaintiff, Darryl Orrin Baker, by and through his attorneys, Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., and files the following Motion to Re-Open Discovery:

1. On February 6, 2008, Attorney Bryan Fife, at the request of this Court, entered his appearance on behalf of the Plaintiff, Darryl Orrin Baker.
2. One of the initial issues to be addressed by counsel for the Plaintiff is the review of this case by a medical expert.
3. However, upon review of the numerous court filings, the Plaintiff's medical records are incomplete.
4. Before counsel for the Plaintiff can have this case reviewed by an expert, it is vital that the Plaintiff obtain all of his medical records from February 2005 through the present.
5. Plaintiff seeks to conduct additional discovery in the form of Request for Production of Documents in order to obtain these medical records and any other prison records in possession of the Defendant. However, discovery closed by Order of this Court on November 13, 2007.

6. Given that counsel for the Plaintiff has just entered into this case and discovery was already closed, counsel for the Plaintiff believes that given the timing, the incompleteness of the medical records, and the lack of prejudice that would be suffered by the Defendant, that this Court should grant this Motion to Re-Open Discovery.

WHEREFORE, Plaintiff, Darryl Orrin Baker, respectfully requests that this Honorable Court issue an Order granting his Motion to Re-Open Discovery.

Respectfully submitted,

QUINN, BUSECK, LEEMHUIS, TOOHEY & KROTO, INC.

By /s/ Bryan D. Fife
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 26th day of February, 2008, the foregoing Appearance for Plaintiff was mailed via U.S. first class mail to the following:

Paul E. Skirtich, Esq.
United States Attorney's Office
700 Grant Street
Suite 4000
Pittsburgh PA 15219

By /s/ Bryan D. Fife
Bryan D. Fife, Esq.